



PUBLIC NOTICE

Federal Communications Commission
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DA 02-240

February 1, 2002

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON CINGULAR WIRELESS LLC'S REQUEST FOR WAIVER OF THE CELLULAR VERTICAL WAVE POLARIZATION REQUIREMENT

Comment Date: February 11, 2002

Reply Comment Date: February 19, 2002

Pursuant to section 1.925(c) of the Commission's rules, 47 C.F.R. 925(c), the Wireless Telecommunications Bureau seeks comment on the Petition for Waiver filed on November 23, 2001 and Supplement to Petition for Waiver filed on January 14, 2002, by Cingular Wireless LLC ("Cingular").¹ Pursuant to section 22.367(a)(4) of the Commission's rules, 47 C.F.R. § 22.367(a)(4), electromagnetic waves radiated by base, mobile and auxiliary test transmitters in the Cellular Radiotelephone Service must be vertically polarized. Cingular has filed a request for waiver of the vertical wave polarization requirement of section 22.367(a)(4) of the Commission's rules with respect to all cellular licenses under its control, for an indefinite period.

Cingular specifically requests waiver of section 22.367(a)(4) so that it can utilize diversity (dual-polarization) antenna arrays. Cingular states that the use of dual-polarization arrays can reduce the number of antennas needed at a particular cell site, resulting in reduced environmental impact and need for new tower construction. In addition, Cingular states that grant of its waiver request will not frustrate interoperability with mobile units using vertically-polarized antennas and will not present significant interference concerns with respect to UHF television frequencies. Cingular seeks action on its waiver request in time to implement dual-polarized antennas in conjunction with its upcoming GSM/GPRS/EDGE network overlay. Cingular states that by the end of the fourth quarter of 2002, Cingular intends to complete its network upgrade in 21 markets (over 5,000 cell sites or over 45,000 antennas).

We seek comment on whether granting Cingular's waiver request would further the public interest. Commenters should address the sufficiency of the showing made in support of the waiver in light of the requirements of section 1.925 of the Commission's rules and any other public interest considerations. Interested parties wishing to file comments must do so on or before **February 11, 2002**. Parties interested in submitting reply comments must do so on or before **February 19, 2002**. All comments should reference Cingular's waiver request, indicate in the caption that this matter is before the Wireless

¹ See In the Matter of Cingular Wireless LLC, Petition for Waiver of Section 22.367 of the Rules Concerning Wave Polarization in the Cellular Radiotelephone Service (filed Nov. 23, 2001) ("Petition for Waiver"); In the Matter of Cingular Wireless LLC, Petition for Waiver of Section 22.367 of the Rules Concerning Wave Polarization in the Cellular Radiotelephone Service, Supplement to Petition for Waiver (filed Jan. 14, 2002) ("Supplement to Petition for Waiver").

Telecommunications Bureau, Commercial Wireless Division, Policy and Rules Branch, and include the DA number of this Public Notice, DA 02-240.

Due to the threat of contamination that resulted in the disruption of regular mail, the Commission released on November 29, 2001, an *Order*² temporarily amending certain procedural rules on an emergency basis. Comments must be filed electronically (i.e., by e-mail or facsimile) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed electronically** by e-mail, comments shall be filed at the following e-mail address: WTBSecretary@fcc.gov. Please also copy (CC) Roger Noel at rnoel@fcc.gov and Nicole McGinnis at nmcginni@fcc.gov. For security purposes, we recommend that documents filed via electronic mail be converted to PDF format.
- **If filed by facsimile**, comments shall be faxed to 202-418-0187. The fax transmission should include a cover sheet listing contact name, phone number and, if available, an e-mail address. In addition to the official filing, please fax a courtesy copy to Nicole McGinnis, Room 4-B105, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7447.
- **If filed by hand delivery**, documents shall be delivered to 236 Massachusetts Avenue, NE, Suite 110, Washington DC 20002.³ Please address documents to the Secretary, to the attention of Nicole McGinnis, Room 4-B105, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau.

In addition, one copy of each comment must be delivered to the Commission's duplicating contractor, Qualex International, telephone (202) 863-2893, by facsimile (202) 863-2898, or via e-mail at qualexint@aol.com.

By this Public Notice, we announce, pursuant to section 1.1200(a) of the Commission's rules, 47 C.F.R. § 1.1200(a), that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to nonrestricted proceedings under section 1.1206 of the Commission's rules.⁴ We believe the public interest will best be served by applying permit-but-disclose *ex parte* procedures in this case, because this proceeding involves broad public policy issues. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subject discussed. More than a one or two sentence description of the views and arguments presented is generally required.⁵ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Cingular's waiver request is available for public inspection and copying in the FCC's Reference Center, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. Copies of the waiver request may also be obtained from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street,

² See In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, FCC 01-345 (rel. Nov. 29, 2001).

³ See *Public Notice*, "FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence," DA 01-2919 (rel. Dec. 14, 2001).

⁴ 47 C.F.R. § 1.1206.

⁵ See 47 C.F.R. § 1.1206(b).

SW, Room CY-B402, Washington, DC, 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or e-mail at qualexint@aol.com.

For further information, please contact Nicole McGinnis at (202) 418-0317 or nmcginni@fcc.gov.

By the Deputy Division Chief, Commercial Wireless Division, Wireless Telecommunications Bureau.